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**JAN 29 2004**

**OFFICE OF PETITIONS**

In re Application of  
Joseph Rinchiuso et al.  
Application No. 09/760,039  
Filed: January 12, 2001  
Attorney Docket No.: CE08395R  
Title: PACKET DATA TRANSMISSION  
WITHIN A BROAD-BAND  
COMMUNICATION SYSTEM

DECISION ON RENEWED  
PETITION UNDER  
37 C.F.R. §1.137(b)

This is a decision on the renewed petition filed January 15, 2004 pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice<sup>2</sup>), mailed February 23, 2001, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 24, 2001.

With the original petition, filed September 24, 2001, petitioner submitted the petition fee, the filing fee, the fee associated with the late filing of an oath or declaration, and a declaration.

<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

<sup>2</sup> The Notice indicated that an oath or declaration along with the associated fee, and substitute drawings would be required.

This petition was dismissed via the mailing of a decision on December 16, 2003, for failure to submit substitute drawings.

With this renewed petition, petitioner submitted the requisite drawings.

As such, the renewed petition is **GRANTED**.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing.

Telephone inquiries concerning *this decision* should be directed to the undersigned at (703) 305-0011. Questions pertaining to this application should be directed towards the Office of Initial Patent Examination at (703) 308-1202.



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